United Nations A/C.3/67/SR.41

General Assembly
Sixty-seventh session

Official Records

Distr.: General
7 January 2013

Original: English

Third Committee

Summary record of the 41st meeting
Held at Headquarters, New York, on Tuesday, 20 November 2012, at 10 a.m.

Chair: Mr. Mac-Donald ..... (Suriname)

Contents

Agenda item 27: Social development (*continued*)

(b) Social development, including questions relating to the world social situation and to youth, ageing, disabled persons and the family (*continued*)

(c) Follow-up to the International Year of Older Persons: Second World Assembly on Ageing (*continued*)

Agenda item 62: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (*continued*)

Agenda item 67: Elimination of racism, racial discrimination, xenophobia and related intolerance (*continued*)

(a) Elimination of racism, racial discrimination, xenophobia and related intolerance (*continued*)

(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (*continued*)

Agenda item 68: Right of peoples to self-determination (*continued*)

Agenda item 69: Promotion and protection of human rights:

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

Agenda item 64: Report of the Human Rights Council (*continued*)

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

12-59799 (E)

Please recycle

The meeting was called to order at 10.10 a.m.

Agenda item 27: Social development (*continued*)

(a) Social development, including questions relating to the world social situation and to youth, ageing, disabled persons and the family (*continued*)

(b) Follow-up to the International Year of Older Persons: Second World Assembly on Ageing (*continued*) (A/C.3/67/L.9/Rev.1)

Draft resolution A/C.3/67/L.9/Rev.1: Towards a comprehensive and integral international legal instrument to promote and protect the rights and dignity of older persons

1. **Mr. Escalante Hasbún** (El Salvador), introducing draft resolution A/C.3/67/L.9/Rev.1 on behalf of the sponsors, said that the global demographic situation had changed dramatically over the preceding fifty years. While reaching old age had previously been uncommon, now there was constant growth among persons reaching 60 years of age, with the sharpest growth among persons over 80. Consequently, it was important to establish a mechanism and legal provisions to empower older persons, protect their rights and dignity and ensure that they received due care.

2. **Mr. Gustafik** (Secretary of the Committee) said that Guatemala, Paraguay, Mali and Cuba had joined the list of sponsors.

Agenda item 62: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (*continued*) (A/C.3/67/L.61)

Draft resolution A/C.3/67/L.61: Assistance to refugees, returnees and displaced persons in Africa

3. **Ms. Farngalo** (Liberia), introducing draft resolution A/C.3/67/L.61 on behalf of the African Group, said that the draft resolution had been the product of thorough consultations in Geneva, contained technical updates and made reference to the recent crises in the Democratic Republic of the Congo and Mali and their impact on the Sahel Region.

Agenda item 67: Elimination of racism, racial discrimination, xenophobia and related intolerance (*continued*)

(a) Elimination of racism, racial discrimination, xenophobia and related intolerance (*continued*) (A/C.3/67/L.55/Rev.1, A/C.3/67/L.57)

Draft resolution A/C.3/67/L.55/Rev.1: Glorification of Nazism: In admissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance

4. **Mr. Nebenzi** (Russian Federation), introducing the draft resolution A/C.3/67/L.55/Rev.1, said that Bangladesh, Benin, the Islamic Republic of Iran, Kyrgyzstan, Mauritania and Turkmenistan had joined the list of sponsors. The events and ideologies of the Second World War had been thoroughly documented, yet there were still attempts to rewrite history. He deplored the rise and acts of violence of skinhead and neo-Nazi groups, which drew their inspiration from ideologies that the United Nations had been established to counter. Increasingly, monuments to the Nazis were being unveiled, anniversaries of emancipation from Nazi rule were being declared days of mourning and persons opposed to forgetting those who had struggled against Nazism were being arrested. Moreover, there had recently been advertisements exploiting the suffering of the victims of Nazism. The sponsors of the draft resolution considered it entirely unacceptable that those involved in the crimes of Nazism should be glorified or that they should have their culpability minimized, as had occurred in the case of some former members of the SS, declared by the Nuremberg Tribunal to be a criminal organization.

5. However, the intention of the draft resolution was not to draw the General Assembly's attention to the past, but to current and highly dangerous forms of racism that must be countered nationally and internationally. Consequently, it had included a provision emphasizing the importance of international cooperation. The sponsors called on all Member States who had voted against or abstained from voting on previous versions of the draft resolution to reconsider their position and give it the broadest possible support.

6. **Mr. Gustafik** (Secretary of the Committee) said that Equatorial Guinea and South Sudan had joined the list of sponsors.

Draft resolution A/C.3/67/L.57: International Convention on the Elimination of All Forms of Racial Discrimination

7. **The Chair** said that the draft resolution contained no programme budget implications.

8. **Mr. Gustafik** (Secretary of the Committee) said that Albania, Andorra, Armenia, Belarus, Benin, Chile, Croatia, Georgia, Guatemala, Guinea, Haiti, Iceland, Italy, Lebanon, Liechtenstein, Madagascar, Mali, Malta, Monaco, Montenegro, the Netherlands, Nigeria, Norway, Palau, Panama, the Republic of Moldova, San Marino, Senegal, South Sudan, Thailand and the former Yugoslav Republic of Macedonia had joined the list of sponsors.

9. **Mr. Minsier** (Belgium), introducing draft resolution A/C.3/67/L.57 on behalf of the sponsors, said that the United Kingdom of Great Britain and Northern Ireland, Brazil, China, Japan, the Dominican Republic, Liberia, Azerbaijan, Venezuela (Bolivarian Republic of), Ukraine, India, the Republic of Korea, Equatorial Guinea, Kyrgyzstan, Côte d'Ivoire, Nicaragua, the Plurinational State of Bolivia, Ecuador and Honduras had joined the list of sponsors.

10. Following consultations with interested delegations, he wished to introduce oral revisions to the text of draft resolution A/C.3/67/L.57. In the tenth preambular paragraph, the last part of the sentence, which read "which highlights the challenges faced by the human rights treaty bodies", should be deleted. The revised paragraph should read: "*Taking note* of the report of the Secretary-General on measures to improve further the effectiveness, harmonization and reform of the treaty body system and *taking note* also of the report of the United Nations High Commissioner for Human Rights on the strengthening of the human rights treaty bodies,". A new eleventh preambular paragraph must be added, which should read: "*Recalling* resolutions 66/254 of 23 February 2012 and 66/295 of 17 September 2012 on the intergovernmental process on strengthening and enhancing the effective functioning of the human rights treaty body system,".

11. Operative paragraph 15 must be deleted and replaced with the following revised version of operative paragraph 15, which should read: "*Welcomes* the efforts made by the Committee to erase the backlog of reports pending consideration, and *notes* the role that improvements in efficient working methods and temporary additional meeting time have played in that regard;".

12. The resolution addressed several areas which were key to the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, thus it was important that the General Assembly was united in its support, including by reiterating its call for universal ratification and addressing some of the short- and long-term challenges faced by the Committee. In that regard, the draft resolution as orally revised reflected the crucial role of the Convention in the fight against racism, racial discrimination, xenophobia and related intolerance.

13. **Mr. Gustafik** (Secretary of the Committee) said that Jordan and Timor-Leste had joined the list of sponsors.

14. *Draft resolution A/C.3/67/L.57, as orally revised, was adopted.*

15. **Ms. Robl** (United States of America) said that the United States strongly condemned racial discrimination and strived for its eradication through United Nations forums and in other contexts. It strongly supported the goals of the International Convention on the Elimination of All Forms of Racial Discrimination and appreciated the work of the Committee to those ends.

16. Regarding the draft resolution, the United States had not ratified the amendment to the Convention referred to in the eighth preambular paragraph and operative paragraph 19 concerning the financing of the Committee. In terms of operative paragraphs 15 and 16, the United States was pleased that the Committee had been able to erase the backlog of reports pending consideration and strongly supported efforts to increase the efficiency of treaty bodies and improve working methods so as to ensure effective use of resources.

(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (*continued*) (A/C.3/67/L.56)

Draft resolution (A/C.3/67/L.56): Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

17. **Mr. Yahiaoui** (Algeria), introducing draft resolution A/C.3/67/L.56 on behalf of the Group of 77

and China, said that the follow-up to the implementation of the Durban Declaration and Programme of Action had always been at the centre of the fight against racism and related forms of intolerance. In recent times, the scourge had manifested itself through new and modern technologies and acquired a global nature. Consequently, the international community needed to reaffirm its commitment and political will to eradicate racism nationally, regionally and internationally and to address all pertinent aspects of the Durban Declaration and Programme of Action. The Group welcomed the work of the Durban follow-up mechanisms, but stressed the need for greater funding and participation. The Group also emphasized the important role that sport and sport's governing bodies had to play in the fight against the scourge.

18. The key objective of the draft resolution was the proclamation of 2013-2022 as the Decade for People of African Descent. In that regard, the Group thanked the Working Group of Experts on People of African Descent for its work to develop a programme of action for adoption by the Human Rights Council.

19. **Mr. Gustafik** (Secretary of the Committee) said that Dominican Republic had joined the list of sponsors.

Agenda item 68: Right of peoples to self-determination (*continued*) (A/C.3/67/L.58)

Draft resolution (A/C.3/67/L.58): Use of mercenaries as a means of violating human rights and impeding the exercise of the rights of peoples to self-determination

20. **Mr Amoros Nuñez** (Cuba), introducing resolution A/C.3/67/L.58, said that Algeria, the Plurinational State of Bolivia, Brazil, Burundi, China, the Comoros, Côte d'Ivoire, the Democratic People's Republic of Korea, Eritrea, Ecuador, Ethiopia, the Islamic Republic of Iran, the Lao People's Democratic Republic, Nicaragua, the Russian Federation, Saint Vincent and the Grenadines, South Africa, Sri Lanka, Swaziland, the Syrian Arab Republic, Venezuela (Bolivarian Republic of), Benin and Zimbabwe had joined the list of sponsors.

21. **Mr. Gustafik** (Secretary of the Committee) said that the Dominican Republic, Egypt, Equatorial Guinea, South Sudan, India and Senegal had joined the list of sponsors.

Agenda item 69: Promotion and protection of human rights:

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/67/L.35, A/C.3/67/L.46, A/C.3/67/L.48, A/C.3/67/L.28, A/C.3/67/L.34/Rev.1)

Draft resolution A/C.3/67/L.35: Committee on the Rights of the Child

22. **Mrs. Ponikvar** (Slovenia) said that Argentina, Benin, Chile, Croatia, Denmark, the Dominican Republic, Ecuador, Guatemala, Haiti, Iceland, Italy, Jordan, Kenya, Malawi, Montenegro, Nigeria, Norway, Panama, Paraguay, Sweden, Thailand, the former Yugoslav Republic of Macedonia and Uruguay had joined the list of sponsors. The Committee on the Rights of the Child was facing an urgent crisis with a rising backlog of work owing to the large number of reports it received and its almost universal membership. The draft resolution provided solutions which had already been used to some success in 2008 and 2010, but they had been unable to reduce the backlog. Consequently, the situation was now worse and required urgent action if the Committee was to continue pursuing its work without losing its relevance.

23. **Mr. Gustafik** (Secretary of the Committee) said that Armenia, the Republic of Korea, Côte d'Ivoire, Zambia, South Sudan, Hungary, Belgium, Mali, Turkey, El Salvador, Equatorial Guinea, Bosnia and Herzegovina, Serbia and Namibia had joined the list of sponsors.

Draft resolution A/C.3/67/L.46: Missing persons

24. **Mr Mikayilli** (Azerbaijan) said that Argentina, Benin, Chile, Côte d'Ivoire, Ethiopia, Fiji, Gabon, Guatemala, Israel, Kazakhstan, Madagascar, Nigeria, Panama, Saudi Arabia, Somalia and Uganda had joined the list of sponsors. The draft resolution was based on General Assembly resolution 65/120 and the relevant resolutions of the Commission on Human Rights and Human Rights Council. It had been updated to reflect the Secretary General's report on missing persons (A/67/150) and the report of the Advisory Committee of the Human Rights Council on best practices in the matter of missing persons (A/HRC/16/70).

25. **Mr. Gustafik** (Secretary of the Committee) said that Jordan, Kyrgyzstan, South Sudan, Albania, Armenia, Georgia, Tunisia and Senegal had joined the list of sponsors.

Draft resolution A/C.3/67/L.48: Freedom of Religion or Belief

26. **Mr. Makriyiannis** (Cyprus), introducing the draft resolution and speaking on behalf of the European Union and sponsors, said that Australia, Bosnia and Herzegovina, Iceland, Norway and San Marino had joined the list of sponsors. Defending freedom of religion or belief and countering such intolerance was a priority of European Union human rights policy. The resolution was in line with that commitment, which had been confirmed at the highest political level. The adoption of the resolution would send a strong collective message to the world.

27. **Mr. Gustafik** (Secretary of the Committee) said that Armenia, South Sudan, Georgia, the Philippines, the Republic of Korea, Mali, the Dominican Republic, Monaco, Senegal and Burundi had joined the list of sponsors.

Draft resolution A/C.3/67/L.28: The role of the Ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights

28. **The Chair** said that the draft resolution contained no programme budget implications.

29. **Mr. Gustafik** (Secretary of the Committee) said that Albania, Andorra, Burkina Faso, Cameroon, the Comoros, Côte d'Ivoire, Georgia, Guatemala, Japan, Latvia, Madagascar, Mali, Montenegro, New Zealand, Peru, the Republic of Moldova, Senegal, Serbia, Slovakia, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Turkey, the United Arab Emirates and the United States of America had joined the list of sponsors.

30. **Mr. El Mkhantar** (Morocco), introducing draft resolution A/C.3/67/L.28) said that Australia, Gabon, Israel, Bosnia and Herzegovina, Brazil, Costa Rica, Croatia, Venezuela (Bolivarian Republic of), India, Mongolia and Sudan had joined the list of sponsors. The draft resolution was the outcome of a collective endeavour reflecting the shared determination to overcome differences and present a single, united front when promoting and protecting human rights. The draft resolution recognized the importance of the Ombudsman, mediator and other human rights institutions in building the rule of law, enhancing good governance and promoting values of justice, equality and respect for human dignity. It offered mediation institutions the legislative framework and funding that would allow them to implement their mandate in an impartial and independent fashion and continue to promote and protect human rights.

31. **Mr. Gustafik** (Secretary of the Committee) said that Kazakhstan, Kyrgyzstan, Papua New Guinea, Argentina, Armenia, South Sudan, Lebanon, the Republic of Korea, Azerbaijan, Honduras, Hungary, Iceland, Belize, Malta, Mauritania, Uruguay, Ukraine and Burundi had joined the list of sponsors.

32. *Draft resolution A/C.3/67/L.28 was adopted.*

Draft resolution A/C.3/67/L.34/Rev.1: Human rights in the Administration of Justice

33. **Mr.** Gustafik (Secretary of the Committee), making a statement, in accordance with rule 153 of the rules of procedure of the General Assembly, on the programme budget implications of operative paragraph 31 of the draft resolution, said that it was anticipated that the request contained therein for documentation would constitute an addition to the documentation workload of one document of 8,500 words in all six languages. That would entail additional requirements in the amount of $50,900 for documentation services in 2013.

34. No provision had been included under the programme budget for the biennium 2012-2013 for the activities and, as such, additional allocation of funds would be required. Accordingly, should the General Assembly adopt the draft resolution A/C.3/67/L.34, additional requirements of $50,900 would arise under section 2, General Assembly and Economic and Social Council affairs and conference management of the programme budget for the biennium 2012-2013. However, all possible efforts would be made to absorb the additional requirements of $50,900 within the existing resources under section 2 and to report thereon in the context of the second performance report for the biennium 2012-2013.

35. **Mr. Vollmer** (Austria) said that Belarus, the Dominican Republic, Ecuador, Honduras, India, Mongolia, Morocco, the Republic of Korea and Ukraine had joined the list of sponsors. States had clear human rights obligations regarding the administration

of justice. Individuals were at their most vulnerable when facing criminal justice and needed protection in the defence of their rights. The draft resolution focused on two of the most vulnerable population groups: persons deprived of their liberty and children and juveniles within the justice system. As the report requested under the resolution was to be presented one year earlier than previously planned, the sponsors hoped the Secretariat would be able to absorb the cost as it would not subsequently have to prepare the report in 2014.

36. **Mr. Gustafik** (Secretary of the Committee) said that the Philippines and Mali had joined the list of sponsors.

37. *Draft resolution A/C.3/67/L.34/Rev.1 was adopted.*

38. **Ms. Robl** (United States of America) said that the United States was pleased to join consensus on the resolution and reaffirm the importance of ensuring respect for the rule of law and human rights in the administration of justice. The United States welcomed the continued focus on efforts relating to women and children in the justice system and was committed to the idea that States should address the vulnerability of women, juveniles and children to violence, abuse and injustice and to the importance of integrating issues concerning women, juveniles and children into legal provisions and processes. She was grateful to the sponsors for incorporating several of her country's suggestions into the text. However, the United States had been unable to sponsor the resolution as it called on States to comply with various principles and obligations that the United States had not undertaken. The obligations were not imposed under international law and were instead treaty-based obligations. Consequently, such obligations were implemented to the extent that States had accepted them. The resolution, unlike its predecessors, had requested the Secretary-General to prepare a report for the following session of the General Assembly. Given the economic situation and consequent financial constraints, the United States hoped that the Secretariat would be able to absorb the modest cost of the report.

Agenda item 64: Report of the Human Rights Council (*continued*) (A/C.3/67/L.59)

Draft resolution (A/C.3/67/L.59): Report of the Human Rights Council

39. **The Chair** said the draft resolution contained no programme budget implications.

40. **Mr. Mendonça** (Cape Verde), introducing draft resolution A/C.3/67/L.59 on behalf of the African Group, said that the Human Rights Council had been a key actor in laying suitable foundations to overcome obstacles impeding international efforts to promote human rights and fundamental freedoms. Its constructive, cooperative approach to human rights questions and provision of advice and necessary technical and financial support at the request of national governments had been instrumental in protecting the human rights of citizens. Thus, the African Group looked forward to the adoption by consensus of the draft resolution which took note of the report of the Human Rights Council, containing recommendations on matters of the utmost importance to the Group, including human trafficking, migrants and combating contemporary forms of slavery, racism, racial discrimination, xenophobia and related intolerance. In addition, the Group requested an editorial change to the final paragraph, so that it became operative paragraph 1, in accordance with the draft submitted by the Group.

The meeting rose at 11.40 a.m.